

# CONGRESS NEEDS TO SCRUTINIZE THE NEW ADMINISTRATION'S EXECUTIVE ORDERS

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Mr. Speaker, I rise to highlight the growing number of executive orders issued by President Trump and the silence from our House majority.

President Trump has signed 12 executive orders in the first 5 weeks in office. Many, like the border wall, the Muslim ban, and the ACA sabotage order, are highly misguided and exceed the intent of the law.

Congress has a constitutional duty to oversee and investigate the actions of the Executive. To date the House majority has said little and taken no action to oversee the Trump administration's abuse of power through executive orders.

When President Obama sat in the White House, the House majority called his administration every name under the sun. Agencies were closely scrutinized. Federal officials were regularly subject to hostile questioning.

Where is the oversight, Mr. Speaker? Where is the criticism? What happened to limiting executive power?

I hope my colleagues in the majority will uphold Congress' constitutional duties and vigorously scrutinize President Trump's actions and mounting abuse of power.

## PROVIDING FOR CONSIDERATION OF H.J. RES. 43, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE BY SECRETARY OF HEALTH AND HUMAN SERVICES; PROVIDING FOR CONSIDERATION OF H.J. RES. 69, PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF FINAL RULE OF DEPARTMENT OF THE INTERIOR; AND PROVIDING FOR PROCEEDINGS DURING THE PERIOD FROM FEBRUARY 17, 2017, THROUGH FEBRUARY 24, 2017

Mr. BURGESS. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 123 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

### H. RES. 123

*Resolved*, That upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 43) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule submitted by Secretary of Health and Human Services relating to compliance with title X requirements by project recipients in selecting subrecipients. All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except:

(1) one hour of debate equally divided and controlled by the Majority Leader and the Minority Leader or their respective designees; and (2) one motion to recommit.

SEC. 2. Upon adoption of this resolution it shall be in order to consider in the House the joint resolution (H.J. Res. 69) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the final rule of the Department of the Interior relating to "Non-Subsistence Take of Wildlife, and Public Participation and Closure Procedures, on National Wildlife Refuges in Alaska". All points of order against consideration of the joint resolution are waived. The joint resolution shall be considered as read. All points of order against provisions in the joint resolution are waived. The previous question shall be considered as ordered on the joint resolution and on any amendment thereto to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chair and ranking minority member of the Committee on Natural Resources; and (2) one motion to recommit.

SEC. 3. On any legislative day during the period from February 17, 2017, through February 24, 2017—

(a) the Journal of the proceedings of the previous day shall be considered as approved; and

(b) the Chair may at any time declare the House adjourned to meet at a date and time, within the limits of clause 4, section 5, article I of the Constitution, to be announced by the Chair in declaring the adjournment.

SEC. 4. The Speaker may appoint Members to perform the duties of the Chair for the duration of the period addressed by section 3 of this resolution as though under clause 8(a) of rule I.

The SPEAKER pro tempore. The gentleman from Texas is recognized for 1 hour.

Mr. BURGESS. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentlewoman from New York (Ms. SLAUGHTER), the ranking member of the Rules Committee, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

### GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, House Resolution 123 provides for a rule to consider two Congressional Review Act resolutions which will undo burdensome and harmful regulations put into place by the Obama administration during the final hours of his Presidency. The rule brings before the House these resolutions so that Congress may remove, through the proper legislative process, rules promulgated by bureaucrats who remain unaccountable to the American people. This process allows those who are accountable—the elected Representatives in the Congress—to fight for their constituents' rights and liberties.

House Resolution 123 provides for a closed rule for each of the Congress-

sional Review Act resolutions, both H.J. Res. 43 and H.J. Res. 69, the standard procedure for such resolutions, since the sole purpose of each is to remove a harmful regulation from the Federal Register.

The rule allows for 1 hour of debate, equally divided between the majority and the minority leader or their designees, for H.J. Res. 43, and 1 hour of debate, equally divided between the Chair and the ranking member of the Committee on Natural Resources, for H.J. Res. 69. On each resolution contained in the rule, the minority is afforded the customary motion to recommit.

H.J. Res. 43 is a joint resolution which would repeal the Obama administration's midnight rule that takes away States' ability to direct funding within their own borders to certain healthcare providers that conform to the States' values.

In her final days in office, Secretary Mathews Burwell pushed forward a rule that would require States to fund, with public dollars, facilities that perform abortions, potentially against the will of the people of that given State. This flies in the face of the 10th Amendment which grants to States the authority to make such decisions within their borders and to prioritize which healthcare providers should receive funding based on the greatest need in their own communities.

Those of us who care about the carefully crafted Federal system which our Founding Fathers set up, which allows different States to operate differently based upon their own values and priorities, recognize the Obama rule for what it is: a power grab by the Federal Government. This is why the House will take up this resolution today—to continue to fight for states' rights—and will repeal this burdensome regulation that ties the hands of every State legislature and ties the hands of every Governor in the Nation.

H.J. Res. 69 is a Congressional Review Act resolution to repeal an overreaching regulation by the United States Fish and Wildlife Service which usurps Alaska's ability to manage its own lands within its own borders. Federal law has long recognized that Alaska—that Alaska—and her elected officials are in the best position to make the decisions on what actions to permit on the public lands in that State, whether those lands are Federal, State, or private.

Despite this long precedent, codified by Congress in the Alaska National Interest Land Conservation Act, the Obama administration moved forward in its waning days with a rule that imposes Federal restrictions on lands that have been, up until the end of the Obama administration, successfully regulated by the State of Alaska. Like H.J. Res. 43, this resolution recognizes the important 10th Amendment protections put in place by the Founding Fathers in our Constitution which protects states' rights to govern within their own borders.

The Congressional Review Act is an important tool in maintaining accountability at the Federal level. Its necessity has never been more apparent than over the past few weeks where this Congress has needed to step in and remove burdensome and unbalanced regulations put in place by President Obama and his team just as they were walking out the door.

House Republicans today will stand up for the rights of our constituents against an out-of-control Federal bureaucracy. I urge my colleagues to support today's rule and the two underlying Congressional Review Act resolutions.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself such time as I may consume, and I thank my colleague from the Rules Committee for yielding me the customary 30 minutes.

Before I start, I include in the RECORD a letter from over 20 healthcare provider organizations regarding the danger of cutting certain providers off from title X funding because they also provide abortion with private funds.

FEBRUARY 3, 2017.

Hon. MITCH MCCONNELL,  
*Senate Majority Leader,*  
*Washington, DC.*

Hon. CHARLES SCHUMER,  
*Senate Minority Leader,*  
*Washington, DC.*

Hon. PAUL RYAN,  
*Speaker of the House of Representatives,*  
*Washington, DC.*

Hon. NANCY PELOSI,  
*Minority Leader, House of Representatives,*  
*Washington, DC.*

DEAR LEADER MCCONNELL, SPEAKER RYAN, LEADER SCHUMER AND LEADER PELOSI: As organizations representing health care and public health professionals and the people they serve across the country, we strongly oppose any effort to prevent Planned Parenthood health centers from participating in federal health programs, including Medicaid and the Title X family planning program. Any proposal to exclude Planned Parenthood from public health programs will severely curtail women's access to essential health care services, including family planning, well-woman exams, breast and cervical cancers screenings, and HIV testing and counseling. At a time when there is much uncertainty about the future of affordable health care in our country, it is dangerous to cut off access to the life-saving preventive care that Planned Parenthood provides to some of our nation's most vulnerable patients.

Planned Parenthood health centers play a crucial role in improving the health and lives of people across the country. In fact, 2.5 million women, men and young people rely on Planned Parenthood for health care every year. For many women, Planned Parenthood is their only source of care—offering basic preventive services that are fundamental to women's health and well-being. More than 50% of Planned Parenthood health centers are in areas with health professional shortages, rural or medically underserved areas. In 2014 alone, Planned Parenthood health centers provided nearly 400,000 cervical cancer screenings and more than 360,000 breast exams. Additionally, Planned Parenthood provides contraceptive services for over 2 million patients and more than 4 million tests and treatments for sexually trans-

mitted infections, including HIV. These services improve women's health, prevent an estimated 579,000 unintended pregnancies, and decrease infant mortality.

Policies that would exclude Planned Parenthood from public health funding would hurt millions of patients and undermine health care access in communities across the country. Limiting access to Planned Parenthood's approximately 650 health care centers across the country would prevent patients from having timely access to basic preventive health care services. Approximately 60 percent of Planned Parenthood patients access care through Medicaid and Title X, in addition to those who rely on other essential programs, including maternal and child health programs and Centers for Disease and Prevention (CDC) breast and cervical cancer screening programs. In some states, Planned Parenthood is the only provider participating in Title X, and more than 50 percent of Planned Parenthood health centers are located in a medically underserved or health professional shortage area. Because federal law already requires health care providers to demonstrate that no federal funds are used for abortion, prohibitions on funding for preventive care at Planned Parenthood health centers will only devastate access to these life-saving services.

In addition to limiting patients access to health care, defunding Planned Parenthood is not cost effective. The Congressional Budget Office (CBO) estimates that approximately 390,000 women would lose access and up to 650,000 patients could face reduced access to preventive health care within a year should Congress act to block all Medicaid patients from receiving care at Planned Parenthood health centers. The CBO also projects that excluding Planned Parenthood health centers from receiving reimbursement through the Medicaid program would result in a net cost to taxpayers of \$130 million over 10 years because of the increase in unintended pregnancies without the contraceptive care provided by Planned Parenthood. Other publicly funded health centers would not be able to compensate for the loss of affordable family planning and reproductive health care services provided by Planned Parenthood.

Every day, we see the harmful impact that unequal access to health care has on women and communities across the country, and we therefore strongly support policies that improve access to affordable, quality health care. Policies that would deny Planned Parenthood public health funds only serve to cut millions off from critical preventive care, and we strongly oppose any effort to do so. We also recognize this as part of a broader effort to undermine access to safe, legal abortion and curtail access to other reproductive health care by limiting the ability of abortion providers to participate in public health programs.

Sincerely,

American Academy of Nursing, American Academy of Pediatrics, American College of Nurse-Midwives, American Congress of Obstetricians and Gynecologists, American Medical Student Association, American Medical Women's Association (AMWA), American Nurses Association, American Psychological Association, American Public Health Association, American Society for Reproductive Medicine, Association of Reproductive Health Professionals, Doctors for America, GLMA: Health Professionals Advancing LGBT Equality.

Midwest Access Project, The National Alliance to Advance Adolescent Health, National Family Planning & Reproductive Health Association, National Medical Association, National Physicians Alliance, North American Society for Pediatric and Adolescent Gyne-

cology (NASPAG), Nurse Practitioners in Women's Health, Nursing Students for Sexual & Reproductive Health, Physicians for Reproductive Health, Society for Adolescent Health and Medicine, Society for Maternal-Fetal Medicine, Society of Family Planning.

Ms. SLAUGHTER. Mr. Speaker, I include in the RECORD a letter from myself and 161 other Members to Speaker RYAN opposing the Republican majority's efforts to undermine title X family planning programs and women's access to health care.

CONGRESS OF THE UNITED STATES,

*Washington, DC, February 14, 2017.*

Hon. PAUL RYAN,  
*Speaker of the House of Representatives, House of Representatives, Washington, DC.*

DEAR SPEAKER RYAN: We write to express our grave concern for efforts to undermine Title X family planning. Despite promises to focus on jobs and the economy, Republicans have started the 115th Congress with a total assault on women's choices, access to care, and economic security by:

Charging ahead to sabotage and dismantle the Affordable Care Act (ACA) while making no promises to preserve vital protections for women;

Providing little to no details on their plans to replace ACA, while making a point to announce that their ACA repeal package will block access to Planned Parenthood, a high-quality, long-trusted provider of reproductive health services;

Rushing to impose and dramatically expand the global gag rule, harming women around the world; and

Advancing the No Taxpayer Funding for Abortion and Abortion Insurance Full Disclosure Act (H.R. 7) through the House, effectively banning private insurance companies from covering comprehensive reproductive health services.

Now, with their most recent effort to weaken the Title X national family planning program through the Congressional Review Act, Republicans have demonstrated that they will stop at nothing to limit women's access to vital health care. Sadly, this includes contraception and family planning services that all women need.

For more than 40 years, Title X has served as a cornerstone of safety-net care. As the only dedicated source of federal funding for family planning, Title X allows a diverse network of providers to deliver high-quality care to low-income, uninsured, or underinsured individuals and to those seeking confidential care. In 2014 alone, Title X-funded clinics helped prevent approximately 904,000 unintended pregnancies, 326,000 abortions, and 439,000 unplanned births. In addition to direct clinical care, Title X also supports critical infrastructure needs for health centers, including new medical equipment and staff training that are not reimbursable under Medicaid and commercial insurance. This infrastructure is vital to ensuring safe, quality care at health centers which serve and provide basic health services to high-need populations.

Throughout both Democratic and Republican administrations, Title X has been interpreted to prohibit state actions that block providers or classes of providers from participating in a Title X project based on factors unrelated to a provider's qualifications to perform the required services. The networks include providers ranging from state, county, and local health departments as well as hospitals, family planning councils, Planned Parenthood affiliates, federally qualified health centers and other private non-profit organizations. In fact, in instances when states have passed laws to

limit provider participation in Title X, federal courts have consistently held that those state laws are contrary to, and preempted by, federal law.

In response to a growing number of states targeting family planning providers for exclusion from key federal health programs, including Title X, the previous Administration proposed the regulation "Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients." The regulation, which was finalized in December 2016, helps ensure patient access to family planning services and supplies through qualified providers by reiterating that "no recipient making subawards for the provision of services as part of its Title X project may prohibit an entity from participating for reasons other than its ability to provide Title X services. During the rulemaking process, the Department of Health and Human Services received more than 145,000 comments, the vast majority of which supported the rule.

Women across the United States, and the men who support them, have had enough. It is unconscionable that this common sense clarification has become a political football for members of Congress who want to limit women's access to comprehensive reproductive health care. We urge you to stand in support of women and oppose this assault on contraceptive access and care.

Sincerely,

Judy Chu, Louise Slaughter, Diana DeGette, Frank Pallone, Jr., Earl Blumenauer, Suzan DelBene, Lois Frankel, Alcee L. Hastings, Brenda L. Lawrence, Sean Patrick Maloney, Jerry McNerney, Danny K. Davis, Eliot L. Engel, Raúl M. Grijalva, William R. Keating, Barbara Lee, Doris Matsui, Gwen Moore, Eleanor Holmes Norton, Jan Schakowsky.

Jackie Speier, Peter A. DeFazio, Katherine Clark, Dina Titus, Linda T. Sánchez, Mike Quigley, Mark Pocan, Grace F. Napolitano, Alma S. Adams, Mark Takano, Grace Meng, Yvette D. Clarke, Kathleen M. Rice, Brian Higgins, Debbie Wasserman Schultz, Pete Aguilar, Betty McCollum, Lucille Roybal-Allard, Suzanne Bonamici, Luis V. Gutiérrez, Raja Krishnamoorthi.

Scott H. Peters, Anna G. Eshoo, James P. McGovern, John Yarmuth, Wm. Lacy Clay, Gene Green, Jimmy Panetta, José E. Serrano, Joseph P. Kennedy, III, Carol Shea-Porter, Jared Huffman, Nita M. Lowey, Carolyn B. Maloney, Niki Tsongas, André Carson, Jerrold Nadler, Chellie Pingree, Zoe Lofgren, Seth Moulton, Kurt Schrader, C.A. Dutch Ruppersberger.

Sander M. Levin, Rick Larsen, Bill Foster, Frederica S. Wilson, Adam Smith, David Scott, Pramila Jayapal, Paul Tonko, Kathy Castor, Marc A. Veasey, Ted W. Lieu, Peter Welch, Ami Bera, Eddie Bernice Johnson, G.K. Butterfield, Steven Cohen, Henry C. "Hank" Johnson, Jr., Daniel T. Kildee, Beto O'Rourke, Julia Brownley.

Marcia L. Fudge, Tony Cardenas, Joseph H. Crowley, Marcy Kaptur, Alan Lowenthal, Bill Pascrell, Jr., Albio Sires, Eric Swalwell, Joyce Beatty, Ron Kind, Pete Visclosky, Cedric L. Richmond, Al Green, Darren Soto, Juan Vargas, Mike Doyle, Bradley S. Schneider, Donald S. Beyer, Jr., Raul Ruiz, Elizabeth H. Esty.

Salud Carbajal, Robert A. Brady, Derek Kilmer, Gregory W. Meeks, Emanuel Cleaver, Theodore E. Deutch, Mike Thompson, Hakeem Jeffries, Adriano Espaillat, David N. Cicilline, Tim Ryan, Val Butler Demings, Adam B. Schiff, Brad Sherman, Rosa DeLauro, Bonnie Watson Coleman, Jim Himes, Donald Norcross, Michelle Lujan Grisham, Matt Cartwright.

John Conyers, Jr., Gerald E. Connolly, Debbie Dingell, David Loebsack, Stephen F. Lynch, Keith Ellison, Mark DeSaulnier,

John Garamendi, Denny Heck, Jamie Raskin, Nydia M. Velázquez, Sheila Jackson Lee, David E. Price, James R. Langevin, Colleen Hanabusa, Robin L. Kelly, Terri Sewell, Ben Ray Lujan, Josh Gottheimer, Susan Davis.

Cheri Bustos, Michael Capuano, Jacky Rosen, Norma J. Torres, Donald M. Payne, Jr., A. Donald McEachin, John Lewis, Joe Courtney, Ruben J. Kihuen, Brendan F. Boyle, Jared Polis, Ann McLane Kuster, Jim Cooper, Charlie Crist, Anthony Brown, Filemon Vela, Ed Perlmutter, Lisa Blunt Rochester, John Sarbanes, John B. Larson.

*Members of Congress.*

□ 1230

Ms. SLAUGHTER. Mr. Speaker, the majority is in the midst of an unprecedented and relentless assault on women's health—and many other regulations while we are at it—that are being overturned every day here.

Although it pledged to govern by prioritizing jobs and the economy, the majority is, instead, escalating its war on women with H.J. Res. 43, a dangerous continuation of its never-ending crusade against access to health care for women.

The majority started the 115th Congress by moving quickly to eviscerate the Affordable Care Act, a law that finally barred insurance companies from treating women as being a preexisting condition. Without this law, women once again would pay a higher rate for coverage than men.

Think about that for a moment. If everybody doesn't know it, before this law, single women paid from 10 to 57 percent more than men for their health insurance in States that allowed gender rating. A lot of people don't understand this, but it costs American women nearly a billion dollars every year. But Republicans are rushing to repeal the Affordable Care Act without anything to take its place.

The majority has also advanced H.R. 7, a sweeping bill that would go beyond even the Hyde amendment, a 40-year provision that has been around for four decades too long.

This legislation wouldn't just make this amendment permanent; it would also place unprecedented limits on women's access to reproductive health services even if they wanted to pay out of their own pockets to access constitutionally protected abortion services.

These moves by the majority, along with the President signing a dramatic expansion of the global gag rule immediately after taking office, have brought millions of people pouring into the streets in protest.

During the National Women's March, millions of people marched all across the country and even around the globe to defend women's rights. These marches were likely the largest day of protests in American history. More than half a million people took to the streets right here in the Nation's Capital. They were peaceful, without a single arrest reported anywhere in the country.

Far from respecting those rights, the majority is today considering a meas-

ure that marks an entirely new front in their war against women's rights. This is the most serious threat facing women so far in this Congress, and it is only February.

Programs supported by title X help provide lifesaving preventative healthcare services like contraception, cancer screening, and STD testing to the men and women who need them most.

It is outrageous that the majority today is trying to allow conservative State legislatures to pick and choose who can provide this essential care with Federal money. That is one of the worst things in the world. The luck of the draw of where you live will determine whether or not you have access that is entitled to all people from the Federal money. This would threaten health centers from coast to coast.

Mr. Speaker, we are facing the same problem today we faced for a very long time: men in blue suits and red ties determining what women can and should do when it comes to their own health. They believe the majority of persons—women—in the United States are incapable of making their own decisions.

Do you think that about your own mother or your wife?

Because Washington, D.C., is controlled by this Republican majority, the stakes for women are higher today than they have been in generations, as we turn over laws passed by the elected government of the District of Columbia.

Mr. Speaker, Republican leaders in Congress turn a deaf ear to the majority of Americans who oppose this dramatic government intervention into women's health care. They, unfortunately, have the votes to pass it, but they will have to reckon with the overwhelming majority of the public who understands it is time for the government to get out of the business of taking away women's healthcare rights.

Mr. Speaker, let me take a personal moment to speak about the departure of a long-time member of my staff on the Rules Committee. I have always believed that this committee is like family and that we have one of the most respected staffs on Capitol Hill. Adam Berg, the deputy staff director and counsel on the Democratic staff personifies this.

After a decade of working for the Rules Committee, Adam is beginning a new chapter on a different committee in the House of Representatives. His knowledge and guidance these last years have been immeasurable.

During his time here, he has married his wife, Erika, who is beautiful and talented, and became a father to his daughter, Ariel, who was singing songs with her mother at the age of 3 months. That is a precocious child.

Adam has played a key role as this committee brought landmark legislation to the floor of the House, including Dodd-Frank, the Affordable Care Act, and legislation to raise the Federal minimum wage.

The committee wouldn't have been as effective without Adam's counsel, and he will be greatly missed. I wish him nothing but the best in his new endeavor.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentlewoman from Connecticut (Ms. DELAURO).

Ms. DELAURO. Mr. Speaker, I rise in strong opposition to this rule, which would enable States to discriminate against healthcare providers and deny women access to critical healthcare services.

This rule would put the only Federal program exclusively dedicated to family planning and reproductive health services in jeopardy. It reverses the Health and Human Services title X rule prohibiting discrimination against title X healthcare providers. It would have devastating healthcare consequences.

In 2015, 88 percent of patients at title X clinics received subsidized or no-charge care, and many of these clinics provide primary health care in addition to family planning services. This could upend public health networks in communities across the country.

Supporters of this amendment claim that other health providers can absorb the clients who would lose access to their title X clinics. This is false. Community healthcare centers have said that they do not have the capacity, and they are often not located near these patients.

We need to protect these healthcare providers. We need to uphold our responsibility to the American people to provide critical services to those who need them. I cannot and will not support this rule or this resolution. It is detrimental to women's health in this country.

Mr. BURGESS. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, I do want to point out that H.J. Res. 43 would repeal the Obama administration's rule and allow States to enjoy the freedom and flexibility to distribute title X grant money in a way that serves the needs of their constituents.

Just in the way of background, December 16, 2016, the Obama administration finalized a rule that prevents States from eliminating abortion providers from title X grant distributions. Title X is a family planning program authorized in 1970, and was intended to provide family planning services to low-income women. The Obama rule was widely perceived as an attempt by the Obama administration to require States to fund Planned Parenthood, the Nation's largest abortion business.

Prior to the Obama administration's rule, States were free to direct their title X funds to healthcare providers that did not participate in abortion. When States had this freedom, they were able to choose to invest in wom-

en's health care instead of investing in Big Abortion.

States should be able to choose to prioritize family planning funds to health clinics that offer a full range of healthcare services, including family planning, but do not participate in abortion.

States can fully support family planning and other health services without funding abortion providers like Planned Parenthood. Planned Parenthood only comprises 13 percent of approximately 4,100 title X service sites.

Redirecting funds away from abortion providers does not reduce funds for the title X program. When States set criteria that eliminates abortion providers from title X distributions, those funds are then directed to other clinics.

Eighty-seven percent of current title X service sites are comprised of local health departments, local hospitals, and Federally qualified health centers.

Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. Mr. Speaker, I yield myself 1½ minutes.

Mr. Speaker, I think I need to make this point one more time. I really believe that everybody in this House understands that not a dime of Federal money is used for abortions. It never has been, never will. There is meticulous care taken by Planned Parenthood to separate those funds. They have never been questioned in any way by the IRS as to how those funds are being used.

I am sick and tired of everybody saying you can't give anything to Planned Parenthood. The money that goes to Planned Parenthood from this Federal Government goes to reimburse for services rendered for the things I had talked about before: cervical cancer tests, cancer tests of all sorts, and health care that they cannot get anywhere else, such as screening for STDs. That is totally separate.

Yet, that fable that Federal money is used for abortions if you fund Planned Parenthood is totally false. I think it is time that grownups that can read in the House of Representatives do away with that notion.

Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. CÁRDENAS).

Mr. CÁRDENAS. Mr. Speaker, I rise today to speak against this rule and H.J. Res. 69, which we will be debating tomorrow.

Last year, the U.S. Fish and Wildlife Service updated its regulations for national wildlife refuges in Alaska to prohibit the cruelest killing methods of wolves, grizzly bears, and other native mammals in Alaska.

The rule FWS put forward makes sense. It even makes clear that it does not apply to subsistence hunting or restrict the taking of wildlife for public safety purposes or in defense of property. Yet, here we are, just 6 months later, and Republicans are pushing through this resolution to overturn the rule and make egregious and cruel

hunting methods common practice in Alaska.

They are inhumane methods, such as denning of wolves and their pups, using airplanes to scout and shoot grizzly bears, and trapping grizzly bears with steel-jawed traps. These cruel methods should never be allowed anywhere. This resolution is irresponsible and inhumane.

As with other Congressional Review Act resolutions, H.J. Res. 69 will have a chilling effect. This and future administrations would be prohibited from ever issuing a similar rule, making inhumane and reprehensible hunting methods the law of the land.

This resolution handcuffs our Federal wildlife managers from protecting our refuges, our national resources, and our wildlife. We must ensure that our children and grandchildren will someday enjoy the majestic national beauty of the native mammals in Alaska and across our great Nation.

I urge my colleagues to reject this rule and also vote "no" on H.J. Res. 69.

Mr. BURGESS. Mr. Speaker, I yield myself 2 minutes.

Mr. Speaker, I reference a letter that was sent to Speaker PAUL RYAN and Majority Leader KEVIN MCCARTHY by a number of sports-related organizations.

They say: "We write representing organizations that collectively include millions of wildlife conservationists . . . wildlife enthusiasts, and wildlife scientists, in strong support of H.J. Res. 49 from Cong. YOUNG of Alaska. . . . Our community exhausted all Executive Branch appeals and remedies urging the FWS to slow down the Proposed Rule, and revise it to reflect a proposal mutually agreed to by the State of Alaska and the FWS; all to no end. It is time for Congress to nullify this final rule."

They go on to say: "This final rule boldly preempts the authority of the Alaska Department of Fish and Game to manage wildlife for both recreational and subsistence hunting on NWRs, which authority of the state is affirmed by Congress in the Alaska Statehood Act, the Alaska National Interests Land Conservation Act, and the National Wildlife Refuge System Improvement Act. The FWS final rule was premised on a meeting as a priority the FWS policy on Biological Integrity, Diversity and Environmental Health. . . . Many members of our organizations enjoy Alaska's bounty of fish and wildlife resources and their habitats for unrivaled hunting, fishing and outdoor experiences. The sustainable management of these natural resources needs to be led by the State working in cooperation with the FWS. We urge that you favorably consider H.J. Res. 49 which will restore the jurisdictional state-federal relationship as Congress has previously directed."

Mr. Speaker, I reserve the balance of my time.

□ 1245

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. Mr. Speaker, I rise today to speak against restricting the family planning services that are provided by title X.

Just prior to signing title X into law, back in 1970, President Richard Nixon recognized how essential family planning was to public health. He actually sent a message to Congress telling them, “no American woman should be denied access to family planning assistance because of her economic condition.” Last year, Mr. Speaker, President Obama reaffirmed that sentiment by making family planning services a part of basic health care, regardless of where one lives. Although Presidents Nixon and Obama couldn’t be more divided in their politics, even they were united behind title X. I believe this is understandable, considering how title X ensures basic preventive health care and family planning services for 4 million low-income people every year.

In my district, title X family planning services saves an average of \$7 on Medicaid-related costs for every dollar of Federal investment. That means that clinics in my district, like Mar Monte, are able to help more women and men receive a full range of healthcare services.

Rather than restricting family planning clinics, we should be promoting, we should be protecting, and we should be preserving access to those vital services, especially for those families that value and need it most.

Mr. BURGESS. Mr. Speaker, I include in the RECORD a letter written to the Honorable Sylvia Mathews Burwell signed by 110 Members of the House and Senate to express strong opposition to the Department of Health and Human Services’ September 7, 2016, notice of proposed rulemaking titled “Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients.”

CONGRESS OF THE UNITED STATES,

Washington, DC, September 23, 2016.

Hon. SYLVIA MATHEWS BURWELL,  
Secretary, Department of Health and Human Services, Washington, DC.

DEAR SECRETARY BURWELL, We write to express our strong opposition to the Department of Health and Human Services (HHS) September 7, 2016, notice of proposed rulemaking titled “Compliance with Title X Requirements by Project Recipients in Selecting Subrecipients.” Although we appreciate the Department’s intent to follow proper regulatory procedure pursuant to the Administrative Procedure Act, HHS’s purpose for engaging in the rulemaking appears on its face to be an attempt to subvert the will of elected representatives.

Moreover, apart from the Department’s impetus for the notice of proposed rulemaking, we also question whether the Department’s stated rationale adequately supports its conclusion that providers with a reproductive health focus are more “effective” than other health providers that offer comprehensive care for women and men. Nowhere in the proposed notice of rulemaking does HHS clearly define what it means to provide Title X services in an “effective” manner. It does appear to assert that a number of factors—such as the range of contraceptive methods on-site, the number of cli-

ents in need of publicly funded family planning services served, and the availability of preconception care—distinguish providers with a reproductive health focus as more “effective” and “high quality” than other types of providers. However, that list of factors falls far short of all of the attributes and recommendations included in the Centers for Disease Control and Office of Population Affairs report entitled “Providing Quality Family Planning Services: Recommendations of CDC and the US Office of Population Affairs.”

To further complicate the argument about quality and effectiveness, the data cited in the notice of proposed rulemaking is not adequate for determining patient outcomes. The Department relies heavily on utilization and demographic statistics, but appears to lack hard data regarding actual patient outcomes and need, as the Department does not require grantees to track patients or verify their income. As you know, the issue of inadequate data has previously been raised by the Institute of Medicine (IOM), after the HHS Office of Family Planning in 2007 asked IOM to provide a critical review of the Title X Family Planning Program. In addition to finding “no clear, evidence-based process for establishing or revising program priorities and guidelines,” IOM stated the following in its May 2009 Report Brief:

“The committee concludes that the program does not collect all the data needed to monitor and evaluate its impact. Therefore, the committee proposes a comprehensive framework to evaluate the program and assess how well clinics meet the family planning needs of the program’s clients. The committee concludes that additional data will be needed in the areas of client needs, structure, process, and outcomes in order to assess the program’s overall progress.”

We welcome evidence that this recommendation has been fully adopted, but are unaware of any clear evidence confirming that to be the case. If HHS cannot clearly define an “effective” or “high quality” provider, it is unclear to us how state and local project grantees are supposed to do so in order to comply with this proposed rule. It is also therefore unclear how HHS will be able to accurately determine in every case whether state or local project recipients—who are generally closer to and more familiar with subrecipients and the patient base in their geographical region—have considered inappropriate criteria in evaluating subrecipients. Rarely do the American people benefit when the federal government attempts to substitute its judgment for that of state or local governments—particularly when the criteria used to inform that judgment are unclear, and that judgment is not supported by coherent and impartial facts.

Finally, if HHS is going to assert the authority to adapt its rules in order to address changing circumstances, we implore HHS to consider the recent general shift in health care policy toward comprehensive care. As HHS states on its website, in addition to assisting individuals and couples in planning and spacing births, part of the mission of Title X is to contribute to “improved health for women and infants.” HHS’s suggestion that subrecipients like federally qualified health centers—which provide greater preventive and primary health care services than providers with a reproductive health focus—are per se less “effective” than providers with a reproductive health focus does not comport with that stated mission.

We urge HHS to reconsider this overreaching and ill-supported rule. We will continue to closely monitor this proposed rulemaking, and intend to submit this letter as

a formal comment. We look forward to a detailed response from your Department.

Sincerely,

JONI K. ERNST,  
United States Senator.  
DIANE BLACK,  
United States Con-  
gressman.

Senators Roy Blunt (R-MO), John Boozman (R-AR), Bill Cassidy (R-LA), Mike Crapo (R-ID), Ted Cruz (R-TX), Steve Daines (R-MT), Mike Enzi (R-WY), Deb Fischer (R-NE), James Inhofe (R-OK), James Lankford (R-OK), Mike Lee (R-UT), Jerry Moran (R-KS), Jim Risch (R-ID), Pat Roberts (R-KS), Marco Rubio (R-FL), Ben Sasse (R-NE), Tim Scott (R-SC), David Vitter (R-LA).

In addition, Congressman Robert Aderholt (R-AL), Rick Allen (R-GA), Brian Babin (R-TX), Lou Barletta (R-PA), Andy Barr (R-KY), Gus Bilirakis (R-FL), Marsha Blackburn (R-TN), Charles Boustany, Jr. (R-LA), Kevin Brady (R-TX), Michael Burgess (R-TX), Earl “Buddy” Carter (R-GA), Tom Cole (R-OK), Chris Collins (R-NY), Doug Collins (R-GA), Mike Conaway (R-TX), Ron DeSantis (R-FL), Scott DesJarlais (R-TN), Jeff Duncan (R-SC), John Duncan, Jr. (R-TN).

Stephen Fincher (R-TN), Chuck Fleischmann (R-TN), John Fleming (R-LA), Bill Flores (R-TX), Jeff Fortenberry (R-NE), Virginia Foxx (R-NC), Trent Franks (R-AZ), Bob Gibbs (R-OH), Louie Gohmert (R-TX), Paul Gosar (R-AZ), Trey Gowdy (R-SC), Tom Graves (R-GA), Glenn Grothman (R-WI), Andy Harris (R-MD), Vicky Hartzler (R-MO), Jeb Hensarling (R-TX), Jody Hice (R-GA), Tim Huelskamp (R-KS), Bill Huizenga (R-MI), Randy Hultgren (R-IL), Lynn Jenkins (R-KS).

Bill Johnson (R-OH), Sam Johnson (R-TX), Walter Jones (R-NC), Mike Kelly (R-PA), Trent Kelly (R-MS), Steve King (R-IA), Doug LaMalfa (R-CA), Doug Lamborn (R-CO), Robert E. Latta (R-OH), Daniel Lipinski (D-IL), Barry Loudermilk (R-GA), Mia Love (R-UT), Blaine Luetkemeyer (R-MO), Kenny Marchant (R-TX), Cathy McMorris Rodgers (R-WA), Rep. Mark Meadows (R-NC), John Moolenaar (R-MI), Markwayne Mullin (R-OK), Randy Neugebauer (R-TX), Pete Olson (R-TX).

Steven Palazzo (R-MS), Gary Palmer (AL), Steve Pearce (R-NM), Collin Peterson (D-MN), Robert Pittenger (R-NC), Joe Pitts (R-PA), Ted Poe (R-TX), Bill Posey (R-FL), Tom Price (R-GA), John Ratcliffe (R-TX), Martha Roby (R-AL), Phil Roe (R-TN), Dana Rohrabacher (R-CA), Peter Roskam (R-IL), Keith Rothfus (R-PA), David Rouzer (R-NC), Steve Scalise (R-LA), Austin Scott (R-GA).

James Sensenbrenner, Jr. (R-WI), Pete Sessions (R-TX), John Shimkus (R-IL), Adrian Smith (R-NE), Chris Smith (R-NJ), Ann Wagner (R-MO), Tim Walberg (R-MI), Randy Weber (R-TX), Brad Wenstrup (R-OH), Joe Wilson (R-SC), Kevin Yoder (R-KS), and Ted Yoho (R-FL).

Mr. BURGESS. Mr. Speaker, I reserve the balance of my time.

Ms. SLAUGHTER. I yield myself the balance of my time to close.

Mr. Speaker, we are deeply concerned by reports from our intelligence community regarding the foreign interference in our most recent election. The fears have only been compounded by the troubling revelations published in The New York Times last night that members of the Trump campaign had been in frequent contact with Russian intelligence officials during that campaign.

Mr. Speaker, the future of our democracy is at stake. We are seeing the

same kinds of things that have happened all over Europe, as governments have been changing away from democracies. It is at stake here, and it is time this Republican-controlled Congress does its job and gets to the bottom of this.

Mr. Speaker, if we defeat the previous question, I will offer an amendment to the rule to bring up Representative SWALWELL's and Representative CUMMINGS' bill which would create a bipartisan commission to investigate foreign interference in our 2016 election.

Mr. Speaker, I ask unanimous consent to insert the text of my amendment in the RECORD, along with extraneous material, immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I recently had the privilege of meeting hundreds of constituents who traveled from Rochester, New York, to Washington, D.C., for the Women's March on Washington. Some of them came with three generations, and it was most impressive, but it is troubling to me that we are fighting many of the same battles that were fought and won generations ago.

The unprecedented marches and rallies that have been happening are necessary because of efforts like this to continually chip away at women's healthcare rights. The sad reality is that politicians have always worked to put up new roadblocks between women and their health care. It has always been my personal belief that when faced with a decision that needs to be made about a pregnancy, a woman should consult whomever she chooses—certainly her husband, her spiritual adviser, her medical adviser, but no one wants to wait in the room until a Congressperson gets there to make the final decision. We are going way beyond our depth to try to make that decision for persons. The government should not be in the business of doing that. The majority has made attacking women's constitutional rights the first order of business this year, working alongside our new President, and it is shameful.

Lastly, Mr. Speaker, the other measure before us today would repeal the Alaska predator rule which protects the interests of all Americans in national wildlife refuges while banning some of the most inhumane tactics for killing, like killing black bears from an airplane and killing coyote pups in their dens. We should be listening to scientists who study and understand these species, not an ideological minority that sees every animal with teeth as a threat to civilization and a potential addition to their trophy hunting collection.

Mr. Speaker, I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield such time as she may consume to the

gentlewoman from North Carolina (Ms. FOXX).

Ms. FOXX. Mr. Speaker, in a time when so many Americans are looking for ideas and policies we can unite around, one point of agreement stands out. There is strong consensus among Americans that they do not want their taxpayer dollars being used to fund abortions. A Marist poll released in January revealed that 61 percent of Americans feel this way.

States have always had the freedom to direct funds away from abortion providers, such as the Nation's largest abortion provider, Planned Parenthood, and there are many reasons States may wish to do so. The most important reason, one that we should all carefully consider, is that abortion is not health care. Abortion takes the lives of unborn children and hurts women. Many States have recognized this tragic reality and, as a result, have chosen to award funds to health clinics and organizations that do not provide abortions.

But in December, the Obama administration issued a regulation that forces many States to drastically alter their previous course of action. The regulation requires States to include abortion providers as recipients of title X grant distributions. Not only does this regulation ignore the American people's wish that their tax dollars be directed away from abortion providers, it also denies States the flexibility to choose to allocate title X funds in a way that meets the needs of their citizens.

H.J. Res. 43 disapproves of this unacceptable regulation, allowing States to return to the status quo under which they were operating prior to the rule's issuance. If States wish to disburse title X funds away from abortion providers, that wish should be respected. For these reasons, I urge my colleagues to vote in favor of this rule and H.J. Res. 43.

Mr. BURGESS. I yield myself such time as I may consume.

Mr. Speaker, today's rule provides for the consideration of two critical Congressional Review Act resolutions to repeal burdensome Federal regulations dropped on the doorstep of the American people in the waning hours of the Obama administration. The rules the House will be voting to repeal today would infringe upon states' rights to govern themselves within their own borders and would impose new Federal requirements and oversight in contravention of the 10th Amendment. This is why removing these regulations is critical. It is critical to maintaining the proper State-Federal balance that our Founding Fathers so carefully crafted in our Constitution.

I thank Representative DIANE BLACK and Representative DON YOUNG for their work on these pieces of legislation to protect states' rights. I urge my colleagues to vote "yes" on the rule and "yes" on the two underlying resolutions.

The material previously referred to by Ms. SLAUGHTER is as follows:

AN AMENDMENT TO H. RES. 123 OFFERED BY  
MS. SLAUGHTER

At the end of the resolution, add the following new sections:

SEC. 4. Immediately upon adoption of this resolution the Speaker shall, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 356) to establish the National Commission on Foreign Interference in the 2016 Election. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chair and ranking minority member of the Committee on Foreign Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. All points of order against provisions in the bill are waived. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions. If the Committee of the Whole rises and reports that it has come to no resolution on the bill, then on the next legislative day the House shall, immediately after the third daily order of business under clause 1 of rule XIV, resolve into the Committee of the Whole for further consideration of the bill.

SEC. 5. Clause 1(c) of rule XIX shall not apply to the consideration of H.R. 356.

THE VOTE ON THE PREVIOUS QUESTION: WHAT  
IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the Democratic minority to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives (VI, 308-311), describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

The Republican majority may say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership Manual on the Legislative Process in the United States House of Representatives, (6th edition, page 135). Here's how the



Republicans describe the previous question vote in their own manual: “Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment.”

In Deschler’s Procedure in the U.S. House of Representatives, the subchapter titled “Amending Special Rules” states: “a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate.” (Chapter 21, section 21.2) Section 21.3 continues: “Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon.”

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority’s agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. BURGESS. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the minimum time of any electronic vote on the question of adoption of the resolution.

The vote was taken by electronic device, and there were—yeas 233, nays 190, not voting 8, as follows:

[Roll No. 93]

YEAS—233

Abraham	Bucshon	Donovan
Aderholt	Budd	Duffy
Allen	Burgess	Duncan (SC)
Amash	Byrne	Duncan (TN)
Amodel	Calvert	Dunn
Arrington	Carter (TX)	Emmer
Babin	Chabot	Farenthold
Bacon	Chaffetz	Faso
Banks (IN)	Cheney	Ferguson
Barletta	Coffman	Fitzpatrick
Barr	Cole	Fleischmann
Barton	Collins (GA)	Flores
Bergman	Collins (NY)	Fortenberry
Biggs	Comer	Fox
Bilirakis	Comstock	Franks (AZ)
Bishop (MI)	Conaway	Frelinghuysen
Bishop (UT)	Cook	Gaetz
Black	Costello (PA)	Gallagher
Blackburn	Cramer	Garrett
Blum	Crawford	Gibbs
Bost	Culberson	Gohmert
Brady (TX)	Curbelo (FL)	Goodlatte
Brat	Davidson	Gosar
Bridenstine	Denham	Gowdy
Brooks (AL)	Dent	Granger
Brooks (IN)	DeSantis	Graves (GA)
Buchanan	DesJarlais	Graves (LA)
Buck	Diaz-Balart	Graves (MO)

Griffith	Marshall
Grothman	Massie
Guthrie	Mast
Harper	McCarthy
Harris	McCaul
Hartzler	McClintock
Hensarling	McHenry
Herrera Beutler	McKinley
Hice, Jody B.	McMorris
Higgins (LA)	Rodgers
Hill	McSally
Holding	Meadows
Hollingsworth	Meehan
Hudson	Messer
Huizenga	Mitchell
Hultgren	Mooleenaar
Hunter	Mooney (WV)
Hurd	Mullin
Issa	Murphy (PA)
Jenkins (KS)	Newhouse
Jenkins (WV)	Noem
Johnson (LA)	Nunes
Johnson (OH)	Olson
Johnson, Sam	Palazzo
Jones	Palmer
Jordan	Paulsen
Joyce (OH)	Pearce
Katko	Perry
Kelly (MS)	Pittenger
Kelly (PA)	Poliquin
King (IA)	Posey
King (NY)	Ratcliffe
Kinzinger	Reed
Knight	Reichert
Kustoff (TN)	Renacci
Labrador	Rice (SC)
LaHood	Roby
LaMalfa	Roe (TN)
Lamborn	Rogers (AL)
Lance	Rogers (KY)
Latta	Rohrabacher
Lewis (MN)	Rokita
LoBiondo	Rooney, Francis
Long	Rooney, Thomas
Loudermilk	J.
Love	Ros-Lehtinen
Lucas	Roskam
Luetkemeyer	Ross
MacArthur	Rothfus
Marchant	Rouzer
Marino	Royce (CA)

NAYS—190

Adams	Delaney	Kildee
Aguilar	DeLauro	Kilmer
Barragán	DeBene	Kind
Bass	Demings	Krishnamoorthi
Beatty	DeSaunier	Kuster (NH)
Bera	Deutch	Langevin
Beyer	Dingell	Larsen (WA)
Bishop (GA)	Doggett	Larson (CT)
Blumenauer	Doyle, Michael	Lawrence
Blunt Rochester	F.	Lawson (FL)
Bonamici	Ellison	Lee
Boyle, Brendan	Engel	Levin
F.	Eshoo	Lewis (GA)
Brady (PA)	Españillat	Lieu, Ted
Brown (MD)	Esty	Lipinski
Brownley (CA)	Evans	Loeb
Bustos	Foster	Loeb
Butterfield	Frankel (FL)	Lowey
Capuano	Fudge	Lujan Grisham,
Caballero	Gabbard	M.
Cárdenas	Gallego	Luján, Ben Ray
Carlson (IN)	Garamendi	Lynch
Cartwright	Gonzalez (TX)	Maloney,
Castor (FL)	Gottheimer	Carolyn B.
Castro (TX)	Green, Al	Maloney, Sean
Chu, Judy	Green, Gene	Matsui
Ciçilline	Grijalva	McCollum
Clark (MA)	Gutiérrez	McEachin
Clarke (NY)	Hanabusa	McGovern
Clay	Hastings	McNerney
Cleaver	Heck	Meeks
Clyburn	Higgins (NY)	Meng
Cohen	Himes	Moore
Connolly	Hoyer	Moulton
Conyers	Huffman	Murphy (FL)
Cooper	Jackson Lee	Nadler
Correa	Jayapal	Napolitano
Costa	Jeffries	Neal
Courtney	Johnson (GA)	Nolan
Crist	Johnson, E. B.	Norcross
Crowley	Kaptur	O’Halloran
Cuellar	Keating	O’Rourke
Davis (CA)	Kelly (IL)	Pallone
Davis, Danny	Kennedy	Panetta
DeFazio	Khanna	Pascarella
DeGette	Kihuen	

Pelosi	Sarbanes	Thompson (CA)
Perlmutter	Schakowsky	Thompson (MS)
Peters	Schiff	Titus
Peterson	Schneider	Tonko
Pingree	Schrader	Torres
Pocan	Scott (VA)	Tsongas
Polis	Scott, David	Vargas
Price (NC)	Serrano	Veasey
Quigley	Sewell (AL)	Vela
Raskin	Shea-Porter	Velázquez
Rice (NY)	Sherman	Visclosky
Richmond	Sinema	Walz
Rosen	Sires	Wasserman
Roybal-Allard	Slaughter	Schultz
Ruiz	Smith (WA)	Waters, Maxine
Ruppersberger	Speier	Watson Coleman
Rush	Suozi	Welch
Ryan (OH)	Swalwell (CA)	Wilson (FL)
Sánchez	Takano	Yarmuth

NOT VOTING—8

Carter (GA)	Mulvaney	Soto
Cummins	Payne	Zinke
Davis, Rodney	Poe (TX)	

□ 1318

So the previous question was ordered. The result of the vote was announced as above recorded.

Stated for:

Mr. RODNEY DAVIS of Illinois. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “yea” on rollcall No. 93.

Stated against:

Mr. SOTO. Mr. Speaker, I was unavoidably detained. Had I been present, I would have voted “nay” on rollcall No. 93.

The SPEAKER pro tempore (Mr. COLLINS of New York). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Ms. SLAUGHTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 233, nays 188, not voting 10, as follows:

[Roll No. 94]

YEAS—233

Abraham	Cheney	Frelinghuysen
Aderholt	Coffman	Gaetz
Allen	Cole	Gallagher
Amash	Collins (GA)	Garrett
Amodel	Collins (NY)	Gibbs
Arrington	Comer	Gohmert
Babin	Comstock	Goodlatte
Bacon	Conaway	Gosar
Banks (IN)	Cook	Gowdy
Barletta	Costello (PA)	Granger
Barr	Cramer	Graves (GA)
Barton	Crawford	Graves (LA)
Bergman	Culberson	Graves (MO)
Biggs	Curbelo (FL)	Griffith
Bilirakis	Davidson	Grothman
Bishop (MI)	Davis, Rodney	Guthrie
Bishop (UT)	Denham	Harper
Black	Dent	Harris
Blackburn	DeSantis	Hartzler
Blum	DesJarlais	Hensarling
Bost	Diaz-Balart	Herrera Beutler
Brady (TX)	Donovan	Hice, Jody B.
Brat	Duffy	Higgins (LA)
Bridenstine	Duncan (SC)	Hill
Brooks (AL)	Duncan (TN)	Holding
Brooks (IN)	Dunn	Hollingsworth
Buchanan	Emmer	Hudson
Buck	Farenthold	Huizenga
Bucshon	Faso	Hultgren
Budd	Ferguson	Hunter
Burgess	Fitzpatrick	Hurd
Byrne	Fleischmann	Issa
Calvert	Flores	Jenkins (KS)
Carter (TX)	Fortenberry	Jenkins (WV)
Chabot	Fox	Johnson (LA)
Chaffetz	Franks (AZ)	Johnson (OH)

Johnson, Sam  
Jones  
Jordan  
Joyce (OH)  
Katko  
Kelly (MS)  
Kelly (PA)  
King (IA)  
King (NY)  
Kinzinger  
Knight  
Kustoff (TN)  
Labrador  
LaHood  
LaMalfa  
Lamborn  
Lance  
Latta  
Lewis (MN)  
LoBiondo  
Long  
Loudermilk  
Love  
Lucas  
Luetkemeyer  
MacArthur  
Marchant  
Marino  
Marshall  
Massie  
Mast  
McCarthy  
McCaul  
McClintock  
McHenry  
McKinley  
McMorris  
Rodgers  
McSally  
Meadows  
Meehan  
Messer  
Mitchell

Moolenaar  
Mooney (WV)  
Mullin  
Murphy (PA)  
Newhouse  
Noem  
Nunes  
Olson  
Palazzo  
Palmer  
Paulsen  
Pearce  
Perry  
Pittenger  
Poliquin  
Posey  
Ratcliffe  
Reed  
Reichert  
Renacci  
Rice (SC)  
Roby  
Roe (TN)  
Rogers (AL)  
Rogers (KY)  
Rohrabacher  
Rokita  
Rooney, Francis  
Rooney, Thomas  
J.  
Ros-Lehtinen  
Ross  
Rothfus  
Rouzer  
Royce (CA)  
Russell  
Rutherford  
Sanford  
Scalise  
Schweikert  
Scott, Austin  
Sensenbrenner  
Sessions

## NAYS—188

Adams  
Aguilar  
Barragán  
Bass  
Beatty  
Bera  
Beyer  
Bishop (GA)  
Blunt Rochester  
Bonamici  
Boyle, Brendan  
F.  
Brady (PA)  
Brown (MD)  
Brownley (CA)  
Bustos  
Butterfield  
Capuano  
Carbajal  
Cárdenas  
Carson (IN)  
Cartwright  
Castor (FL)  
Castro (TX)  
Chu, Judy  
Cicilline  
Clark (MA)  
Clarke (NY)  
Clay  
Clever  
Clyburn  
Cohen  
Connolly  
Conyers  
Cooper  
Correa  
Costa  
Courtney  
Crist  
Crowley  
Cuellar  
Davis (CA)  
Davis, Danny  
DeFazio  
DeGette  
Delaney  
DeLauro  
DelBene  
Demings  
DeSaulnier  
Deutch  
Dingell  
Doggett

Shimkus  
Shuster  
Simpson  
Smith (MO)  
Smith (NE)  
Smith (NJ)  
Smith (TX)  
Smucker  
Stefanik  
Stewart  
Stivers  
Taylor  
Tenney  
Thompson (PA)  
Thornberry  
Tiberi  
Tipton  
Trott  
Turner  
Upton  
Valadao  
Wagner  
Walberg  
Walden  
Walker  
Walorski  
Walters, Mimi  
Weber (TX)  
Webster (FL)  
Wenstrup  
Westerman  
Williams  
Wilson (SC)  
Wittman  
Womack  
Woodall  
Yoder  
Yoho  
Young (AK)  
Young (IA)  
Zeldin

Scott, David  
Serrano  
Sewell (AL)  
Shea-Porter  
Sherman  
Sinema  
Sires  
Slaughter  
Smith (WA)  
Soto  
Speier

Blumenauer  
Carter (GA)  
Cummings  
Lynch

## NOT VOTING—10

Mulvaney  
Payne  
Poe (TX)  
Roskam

Velázquez  
Visclosky  
Walz  
Wasserman  
Schultz  
Waters, Maxine  
Watson Coleman  
Welch  
Wilson (FL)  
Yarmuth

## ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). There are 2 minutes remaining.

□ 1325

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## ELECTING MEMBERS TO CERTAIN STANDING COMMITTEES OF THE HOUSE OF REPRESENTATIVES

Mr. CROWLEY. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution and ask for its immediate consideration.

The Clerk read the resolution, as follows:

## H. RES. 127

*Resolved*, That the following named Members be and are hereby elected to the following standing committees of the House of Representatives:

- (1) COMMITTEE ON ETHICS.—Mr. Cohen.
- (2) COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM.—Mr. Sarbanes.
- (3) COMMITTEE ON SMALL BUSINESS.—Mr. Schneider.

The resolution was agreed to.

A motion to reconsider was laid on the table.

## DISAPPROVING RULE SUBMITTED BY DEPARTMENT OF LABOR RELATING TO DRUG TESTING OF UNEMPLOYMENT COMPENSATION APPLICANTS

Mr. BRADY of Texas. Mr. Speaker, pursuant to House Resolution 99, I call up the joint resolution (H.J. Res. 42) disapproving the rule submitted by the Department of Labor relating to drug testing of unemployment compensation applicants, and ask for its immediate consideration.

The Clerk read the title of the joint resolution.

The SPEAKER pro tempore. Pursuant to House Resolution 99, the joint resolution is considered read.

The text of the joint resolution is as follows:

## H.J. RES. 42

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That Congress disapproves the rule submitted by the Department of Labor relating to “Federal-State Unemployment Compensation Program; Middle Class Tax Relief and Job Creation Act of

2012 Provision on Establishing Appropriate Occupations for Drug Testing of Unemployment Compensation Applicants” (published at 81 Fed. Reg. 50298 (August 1, 2016)), and such rule shall have no force or effect.

The SPEAKER pro tempore. The gentleman from Texas (Mr. BRADY) and the gentleman from Massachusetts (Mr. NEAL) each will control 30 minutes.

The Chair recognizes the gentleman from Texas.

## GENERAL LEAVE

Mr. BRADY of Texas. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.J. Res. 42, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BRADY of Texas. Mr. Speaker, I yield myself such time as I may consume.

Next Wednesday, February 22, will mark 5 years since the Middle Class Tax Relief and Job Creation Act was signed into law. This 2012 law has made important reforms in the unemployment insurance system, improvements that were specifically designed to help more out-of-work Americans successfully return to the workforce.

□ 1330

This included a key provision which overturned a 1960s-era ban by the Department of Labor on drug screening and testing of unemployment insurance applicants.

Unemployment insurance serves those that have lost their jobs through no fault of their own. It seeks to promote swift reemployment through several key requirements. Namely, to be eligible for unemployment insurance benefits, applicants must be able to work, available to work, and actively seeking work. So if a worker loses his or her job due to drug use, that worker is not truly able to work. In addition, if a worker cannot take a new job because they can't pass a mandatory drug test from their employer, this worker is not truly available to work either.

In recognition of this issue, the 2012 Middle Class Tax Relief and Job Creation Act allowed but did not require States to drug screen and test certain unemployment applicants, specifically those seeking a job or an occupation that regularly required new employees to pass a drug test. I was proud to lead this effort in 2012 because I knew it would have a meaningful impact on the lives of many Americans struggling with drug use.

The goal is simple: get the incentives right in unemployment insurance so that Americans can confront and overcome these challenges.

With a growing number of employers now requiring drug tests for new workers, we wanted to empower these out-